

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KHA-SUN C. ALLAH,

Plaintiff,

-against-

SHANNON A. SULLIVAN; QAYYAM;  
INMATE CLASSIFICATION AND  
MOVEMENT,

Defendants.

**ORDER OF SERVICE**

19-CV-06423 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants ignored his request not to be transferred to Upstate Correctional Facility after he informed them that such a transfer would result in his attempting suicide. He names as Defendants Shannon Sullivan and “Qayyam” (“Defendants”), both of whom worked at Downstate Correctional Facility at the time the alleged events occurred.

By order dated November 29, 2023, Chief Judge Laura Taylor Swain granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. (Doc. 12). On December 12, 2023, after the matter was reassigned to this Court, a *Valentin* Order was issued, directing the New York State Attorney General (“NYAG”) to provide Plaintiff and the Court with addresses where Defendants may be served because the addresses included in the complaint were outdated. (Doc. 14). On February 12, 2024, the NYAG provided an address for service for both Defendants. (Doc. 16).

## **DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Shannon Sullivan and “Qayyam” through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (USM-285 form) for both of these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service). Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

## **CONCLUSION**

The Clerk of Court is instructed to: (1) mail an information package to Plaintiff; (2) issue summonses for Shannon Sullivan and “Qayyam”; (3) complete the USM-285 forms with the addresses for Defendants; and (4) deliver to the Marshals Service all documents necessary to effect service.

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the amended complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: White Plains, New York  
February 12, 2024



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PHILIP M. HALPERN  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Shannon Sullivan  
c/o Alexander Shapiro, Associate Counsel  
NYS Office of Mental Health  
44 Holland Avenue  
Albany, NY 12229
  
2. Dr. Abdul Qayyam  
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